



WorkSource System Policy
Employment System Administration and Policy

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 1009, Revision 2
To: Washington WorkSource System
Date of Publication: December 21, 2009

Subject: Priority of Service for Veterans and Eligible Spouses

1. **Purpose:**

This policy revision to WorkSource System Policy 1009 serves to clarify and communicate point of entry requirements under priority of service for veterans and eligible spouses in Section 3.B.

2. **Background:**

On December 19, 2008, the Department of Labor (DOL) issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006). The regulations went into effect on January 19, 2009 and do three basic things:

1. Set forth requirements for each "qualified" program to provide priority of service for veterans and eligible spouses and require all grantees to have policies providing priority of service whether provided on-line or in-person;
2. Require that, for purposes of implementing priority of service, the broad definition of "veteran" meaning a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable be used (38 U.S.C. 101(2)0; and
3. Add new requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (see 20 CFR 1010.300):
 - Applicants to any "qualified" DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans etc.;
 - Program staff must initiate data collection for any person claiming priority at point of entry; and

- Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

3. **Policy:**

As the state priority of service policy for veterans, all “qualified” programs administered by ESD come under its jurisdiction. It provides policy and standards to:

- WDCs as WIA subrecipients and as overseers of one-stop service delivery; and
- Workforce and Career Development Division (WCDD) as the statewide operator of Wagner-Peyser and Trade Act programs.

- A. **Compliance:** Grantees and subrecipients must comply with federal law, regulations, and guidance on priority of service, using the broad definition for veterans and eligible spouses (20 CFR 1010.110).

Priority of service entitles veterans or spouses to precedence over eligible non-covered persons in accessing service. The veteran or spouse is given enrollment or services earlier in time than others who are waiting for the same assistance. If program and service resources are limited, then the veteran or spouse is given access instead of others. NOTE: This does not mean that the veteran or spouse is given “bumping rights” over others who are already enrolled and/or receiving services.

Priority of service guidelines can appear inconsistent given the Jobs for Veterans Act and local program requirements. When multiple priorities for a given program or service arise giving the appearance of conflicting priorities, local policy and procedure must respond by defining a hierarchy of priorities that resolves the conflicts. For example, if the United States Congress has established eligibility for a program, then the veteran or eligible spouse must meet the requirement for entry into the program. After meeting the eligibility requirement for the program, the veteran must be given priority over all non-veterans who also meet the requirement. Priorities set by federal statute are at the top of the hierarchy. Federal law sometimes allows targeting at the state or local level, but in these cases, priority of service for veterans takes precedence over state and local level targeting.

- B. **Program Operational Requirements:** WCDD, WDCs and other program operators must implement processes for the “qualified” programs they administer to identify veterans and eligible spouses who physically or virtually access services at the point of entry so they can learn about and take full advantage of veterans priority and to indicate whether they are entitled to priority of service. In addition to allowing applicants to claim entitlement to priority, applicants claiming priority are to be given a menu of programs and services to which the entitlement applies, and eligibility requirements for those programs.

Point of entry is defined as the point of contact with the one-stop system, either in-person or virtually, whether or not a service is provided. It may include reception at the front-end of a WorkSource Center, as part of a program-specific application process, or any other method by which veterans and eligible spouses express an interest in receiving services, either in-person

or virtually. It cannot only be at initial registration as not all veterans and eligible spouses who touch the one-stop system reach that point.

All “qualified” programs must use the broad definitions for veterans and eligible spouses at point of entry into their programs. They will be required to collect, retain and report data in accordance with the Act, regulations and DOL program guidance to be issued (20 CFR 1010.320). “Qualified” programs do not have to verify the status of an individual as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment into the program (20 CFR 1010.300(a)).

“Qualified” programs that have served an average of 1,000 or more covered persons over the three most recent years of operation, are additionally required to collect and report data on covered entrants (covered persons at point of entry are referred to as covered entrants). Six programs currently meet the size threshold for reporting on covered entrants: 1) WIA Adult; 2) WIA Dislocated Worker; 3) National Emergency Grants; 4) Wagner-Peyser State Grants; 5) Trade Adjustment Assistance; and 6) Senior Community Service Employment Program (listed for completeness).

C. **System/Site Operational Requirements:** WDCs must develop policies implementing priority of service for the WorkSource One-Stop Centers and for local workforce providers. The local policies must require processes at WorkSource sites to be established that shall ensure all covered persons are:

- Identified at the point of entry so they can take advantage of priority of service;
- Made aware of their entitlement to priority of service; and
- Provided information on the full array of employment, training and placement services available; and any applicable eligibility requirements for those programs or services.

4. **Definitions:**

Qualified Job Training Program means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the Department of Labor.

Covered Persons means veterans or their eligible spouses.

Covered Entrants are covered persons at point of entry into a program to receive services.

Veteran means a person who was in active military service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service also includes full-time duty in the National Guard or a Reserve component, other than full time duty for training purposes.

Eligible Spouse as defined in section 2(a) of JVA (38 U.S. C. 4215(a)) means the spouse of any of the following:

- (1) Any veteran who died of a service-connected disability;

- (2) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - (i) Missing in action;
 - (ii) captured in line of duty by a hostile force; or
 - (iii) forcibly detained or interned in line of duty by a foreign government or power;
- (3) Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs;
- (4) Any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

5. References:

- Jobs for Veterans Act, Public Law (P.L.) 107-288, November 7, 2002
- Veterans' Benefits, Health Care, and Information Technology Act (P.L.109-461), Dec. 22, 2006
- Priority of Service for Covered Persons (20 CFR 1010), December 19, 2008
- Training and Employment Guidance Letter (TEGL) 10-09, November 10, 2009
- Veterans Program Letter (VPL) 07-09, November 10, 2009

6. Supersedes:

WorkSource System Policy 1009, Revision 1 (Priority of Service for Veterans and Eligible Spouses)

7. Website:

<http://www.wa.gov/esd/1stop/policies/systems.htm>

8. Action:

WDCs and their contractors, as well as Employment Security Area Directors, should distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

None

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